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DISTRICT COURT - SRBA
TWIN FALLS CO., IDAHO
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DEPARTMENT OF
WATER RESOURCESIN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re SRBA

Case 39576

Subcase No. 3-4808B

STANDARD FORM 5

STIPULATED ELEMENTS OF A
WATER RIGHT

This form is used to report the stipulated elements of one water right acquired under state law and/or a federal reserved water right. Submission of this form will not automatically result in the issuance of a partial decree. The Presiding Judge or Special Master will conduct any hearing necessary to determine whether the facts, data, expert opinions and law support the issuance of a partial decree for the water right.

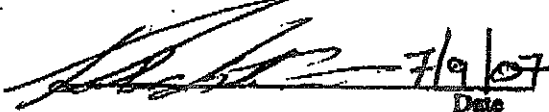
The parties agree that the Snake River Basin Adjudication Court has jurisdiction of the parties and subject matter to enter a partial decree for this water right; that they have been served with sufficient process, according to the law; and that they have appeared, prosecuted, and defended their positions with regard to this water right dispute.

The parties and IDWR agree and stipulate that the elements of this water right should be described per the attached. The parties and IDWR have further indicated their concurrence by initialing each of the attached pages.

CLAIMANT(S):

ROBERT L. STEWART

MARJORIE V. STEWART


Date 7/9/07

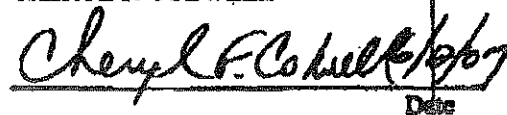

Date 7/9/07

OBJECTORS:

GEORGE E. COLWELL

CHERYL F. COLWELL


Date 6/12/07


Date 6/12/07

IDWR Concurrence:


Date 7/10/07
Water Resource Agent


Date 7/11/07
Deputy Attorney General

GARRICK BAXTER

**IDaho DEPARTMENT OF WATER RESOURCES
UNCONFERMED WATER RIGHTS ACQUIRED UNDER STATE LAW**

REQUEST NUMBER: 3-40023

NAME & ADDRESS: ROBERT L STEWART
690 EAGLE CREEK CT
RENO NV 89507

MARJORIE V STEWART
690 EAGLE CREEK CT
RENO NV 89507

SOURCE: SNARE RIVER **TRIBUTARY:** COLUMBIA RIVER

QUANTITY: 0.400 CFS

PRIORITY DATE: 06/01/1954

POINT OF DIVERSION: TOWN 28S W 32E SW1/4SW W1/4SW Within FAYETTE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE	PERIOD OF USE	QUANTITY
IRRIGATION	06/01 11/15	0.400 CFS

PLACE OF USE: IRRIGATION Within FAYETTE County
TOWN 28S W 32E NE1/4 18.00 TOWN 28S W 32E Lot 5 NW1/4 6.00
24 ACRES TOTAL

Place of use is within the area covered by Windsor Irrigation & Water Power Company.

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the right or for the efficient administration of the water right as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(2), Idaho Code.

This water right is subject to the terms of an agreement to be determined and recorded in Fayette County.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

The following rights were also diverted through point of diversion described above: 3-40024, 3-40142.

This right is a split from former right 3-40024.

CERTIFICATE OF MAILING

I certify that on July 12, 2007, I mailed the original and copies of this form, including all attachments, to the following persons by mailing the original and/or copies, postage prepaid and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P. O. Box 2707
Twin Falls, Idaho 83303-2707

2. Copies to:

Robert & Marjorie Stewart
6960 Eagle Creek Ct
Reno, NV 89509

Dana L. Hofstetter
608 West Franklin Street
Boise, ID 83702

IDWR Repository
P.O. Box 83720
Boise, ID 83720



Signature of person mailing the form

RIGHT NUMBER:	3-4008B	
NAME & ADDRESS:	ROBERT L STEWART 6960 EAGLE CREEK CT RENO NV 89509 MARJORIE V STEWART 6960 EAGLE CREEK CT RENO NV 89509	
SOURCE:	SNAKE RIVER	TRIBUTARY: COLUMBIA RIVER
QUANTITY:	0.480 CFS	
PRIORITY DATE:	06/01/1954	
POINT OF DIVERSION:	T09N R05W S32 SWNWSW Within PAYETTE County	

PURPOSE AND PERIOD OF USE:	<u>PURPOSE OF USE</u>	<u>PERIOD OF USE</u>		<u>QUANTITY</u>
	IRRIGATION	03/01	11/15	0.480 CFS

PLACE OF USE: IRRIGATION Within PAYETTE County

T09N R05W S32	NESW	18.00	T09N R05W S32	Lot 5 NWSW	6.00
24 ACRES TOTAL					

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

This water right is subject to the terms of an agreement to be documented and recorded at Payette County.

EXPLANATORY MATERIAL: BASIS OF CLAIM – Beneficial Use

~~The following rights are also diverted through point of diversion described above: 3-4008A, 3-10192.~~

This right is a split from former right 3-4008.